

BEUSSE WOLTER SANKS MORA & MAIRE, P.A.**FACSIMILE TRANSMITTAL SHEET**

TO: MAIL STOP PCT
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FROM:
Timothy H. Van Dyke

COMPANY
U. S. Patent and Trademark Office

DATE:
April 19, 2007

FAX NUMBER:
571-273-0459

TOTAL NO. OF PAGES INCLUDING COVER:
4

PHONE NUMBER:

DIRECT NUMBER:
407-926-7726

YOUR REFERENCE NUMBER:

SENDER'S REFERENCE NUMBER:
10557-055US

RE:

RECEIVED
19 APR 2007
Legal Staff
International Division

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

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NOTES/COMMENTS:

This certificate of facsimile transmission is attached to the following documents in re:

RE: PCT/US05/09047 and U. S. National Stage 10/588,043
INCREASED STRESS TOLERANCE AND ENHANCED YIELD IN PLANTS

1. Response to the Notification of Insufficient Fees mailed 4/13/2007; and
2. Copy of the Notice mailed 4/13/2007.

800 NORTH ORANGE AVENUE, SUITE 2500, ORLANDO, FLORIDA 32801
TELEPHONE: (407) 926-7700 FAX 407-926-7720

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Applicants: Bala Rathinasabathi et al.

Examiner: Not Assigned

Serial No.: 10/588,043

Art Unit: 1638

Filed: 8/01/2006

Confirmation No. 1007

For: INCREASED STRESS TOLERANCE
AND ENHANCED YIELD IN PLANTS.....
BOX PCT
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450RECEIVED
19 APR 2007
Legal Staff
International Division

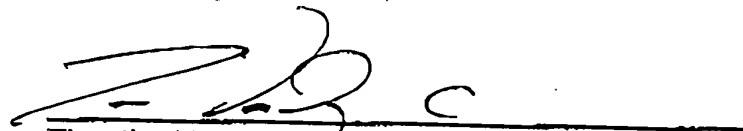
RESPONSE TO NOTIFICATION OF INSUFFICIENT FEES

Sir:

In response to the Notice mailed April 13, 2007, in the application referred to above and having a period of response to and including **June 14, 2007**, applicants contend that the search fee as paid at the time of national stage entry is correct. Applicants paid \$1000 for the search fee in PCT/US2005/09047 and designated the U. S. Patent and Trademark Office as the searching authority. No search report was ever received from the U. S. Patent and Trademark Office, despite several inquiries. At the time of national stage entry in the U. S., applicants paid the appropriate amount of \$50 for the search fee for an application "where the search fee was paid on the international application to the USPTO as an International Search Authority." It can hardly be asserted that the lack of a search report, duly paid for, is applicants fault.

The Notification of Insufficient Fees is in error and accordingly no additional fees are due at this time. Since no additional search fee is due, no surcharge can be assessed.

Respectfully submitted,


Timothy H. Van Dyke
Reg. No. 43,218
Beusse Wolter Sanks Mora & Maire P.A.
390 N. Orange Avenue, Suite 2500
Orlando, FL 32801



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22312-1471
www.uspto.gov

U.S. APPLICATION NUMBER NO	FIRST NAMED APPLICANT	ATTY DOCKET NO
10/588,043	Bala Rathinasabapathi	10457-055US

INTERNATIONAL APPLICATION NO

PCT/US05/09047

1A FILING DATE

03/17/2005

PRIORITY DATE

03/17/2004

29847

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390 N. ORANGE AVENUE
SUITE 2500
ORLANDO, FL 32801

CONFIRMATION NO. 1007

371 FORMALITIES LETTER

OC000000023372109

Date Mailed: 04/13/2007

Notification of Insufficient Fees (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Indication of Small Entity Status
- Copy of the International Application filed on 08/01/2006
- Preliminary Amendments filed on 08/01/2006
- Biochemical Sequence Diskette filed on 08/01/2006
- Oath or Declaration filed on 08/01/2006
- Biochemical Sequence Listing filed on 08/01/2006
- Request for Immediate Examination filed on 08/01/2006
- U.S. Basic National Fees filed on 08/01/2006
- Priority Documents filed on 08/01/2006
- Specification filed on 08/01/2006
- Claims filed on 08/01/2006
- Abstracts filed on 08/01/2006
- Drawings filed on 08/01/2006

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$265** for a Small Entity:

- \$65 Surcharge.

Additionally the following defects have been observed:

- The International Search Report has not be supplied, the Search Fee has been adjusted to reflect this omission.
- The application search fee is insufficient. Applicant must submit \$200 to complete the search fee. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

KAREN R MCLEAN

Telephone: (703) 308-9140 EXT 214

PART 1 - ATTORNEY/APPLICANT COPY

U S APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO	ATTY DOCKET NO
10/588,043	PCT/US05/09047	10457-055US